

LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
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INAUGURATION SPEECH

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It was 40 years ago that I walked my first beat as a young police officer.

The first time I put on the uniform was a proud day for me and my family, very much like today. I am not the same man I was when I first put on the uniform. And one of the many reasons for that is because of situations I faced as a young officer. Situations and experiences that have stayed with me, and that continue to shape my approach to this work.

Over the course of my decades in policing, I've witnessed over and over again, the impact of multi-generational arrests and prosecutions in poor African American and Latino communities. Often the offenses weren't particularly memorable. But to this date, I remember seeing their faces, recognizing their last names, and instantly feeling a sense of familiarity.

I probably had not met the young person before, but years earlier his father, or perhaps his uncle or brother, had been arrested by me or other officers working with me. To this day those moments continue to haunt me. How - with all of the resources we pour into arresting, prosecuting and incarcerating - how did we fail multiple generations of the same families?

Over the years I weighed how this phenomenon was visited exclusively on disadvantaged communities, but it would be years before I had an answer, and years more before I knew what I was going to do about it.

Research has shown that drug use doesn't discriminate. It's not just white people, or Black people, or Brown people that are addicted to drugs. America is addicted to drugs. But while America's addiction is equal across racial lines, rates of arrest, prosecution and incarceration are anything but equal. And this well-known inequality begins at an early age.

Most kids experiment with drugs, but the painful truth is that disadvantaged kids that get caught tend to go to juvi, while kids in wealthier communities tend to go to rehab.

It's not simply that this is unfair or unjust - the consequences of being involved in the justice system from a young age have a compounding effect. Being arrested and having your liberty taken away can

feel traumatic and dehumanizing, add to that being put in a concrete box, and you have a potent recipe for a lifetime of involvement in the criminal justice system.

This is not an exaggeration. And this is not an overstatement. Fear destroys our capacity to learn, and we know isolation activates harmful hormones in our bodies with lasting damage.

It's for this reason that locking up kids has never been shown to enhance public safety but has been shown to significantly increase a young person's likelihood of committing future offenses. Locking up our kids doesn't help. It hurts.

And that's why I am immediately ending the practice of charging kids as adults.

The myth of child super predators and our rush to incarcerate generations of kids of color in the 90s - It's just one of the many tough-on-crime policies that not only failed us, but severely backfired, costing our communities morally, economically, and tearing apart the social fabric of our communities. All while harming community safety.

For decades tough-on-crime advocates, the private prison industry, the bail industry and law enforcement unions— all organizations that profit off taking away your liberties – they sold us a false narrative that more police, stiffer penalties and more people locked up in prison made us safer. They have, and they will continue, to make these unfounded and self-serving claims in the name of victims.

But they failed to actually ask victims what they want. Well, the largest network of crime survivors in the nation surveyed victims, and they found that victims prefer rehabilitating people who commit crimes over punishing them by overwhelming margins. In fact, the survey found that victims prefer investments in education, job creation, mental health treatment, at-risk youth programs, drug treatment, and community supervision, over more spending on prisons and jails, by overwhelming margins.

We must listen to victims - not just because this work demands that we help them on their journey from victim to survivor - but because they are right. The programs and services they want actually work to reduce crime, reduce recidivism, and prevent future victimization.

As usual, the persons closest to the problem are also those closest to the solutions. So, my office will not falsely invoke victims, we will listen to them, protect them, and restore them. And that's why, beginning immediately, I am ending cooperation requirements for victims of crime.

Victims will no longer be required to testify to receive victim services. It is unconscionable that we force victims to testify against another in order to recognize their trauma, and in order to give them the help and resources that they deserve.

And because no matter the circumstances, anyone who loses a loved one is a survivor in my eyes - this office will immediately extend victim services to families of those killed by law enforcement.

The murder of George Floyd this past summer was a horrific reminder that - too often - our profession has failed to hold its own to the same standards we impose on the communities we are sworn to protect and serve. George Floyd's death exposed the chasm between police and community, and it galvanized a generation to stand up, and speak out, against a system that the public largely views as a two-tiered system of justice: one for police officers and prosecutors, and one for everyone else.

Those in the profession of holding people accountable, cannot themselves escape accountability. In order to do this work effectively—and safely—police and prosecutors cannot afford to be in an adversarial posture with those we serve. It has severely degraded our standing in the communities where we must both work and live.

So, over the summer I, with the help of LAPD's first inspector general, and a former U.S. Attorney in President Obama's Department of Justice, reviewed several troubling police use of force cases that my predecessor declined to prosecute. These are cases where the basis for the declination was contradicted by the publicly available physical evidence.

To restore faith in our guardians, I have already pledged to reopen four of the dozens of fatal officer-involved-shooting cases we reviewed. But to restore trust in the principal of equal justice in a lasting way - I am convening a Use of Force Review Board made up of policing experts, civil rights attorneys, and community members. They will review fatal use of force cases dating back to at least 2012. And they will make recommendations to my office as to which additional cases need to be reopened.

The University of California at Irvine's Civil Rights and Criminal Justice Clinics have graciously agreed to support this unprecedented effort.

Like myself, many senior officials in law enforcement cut their teeth in this business in the 80s and 90s. Where we differ is that I am convinced that we must abandon what we knew then, for what we now know.

Los Angeles, a poster child for the failed tough-on-crime approach—already hit 300 homicides last month. And violent crime in LA County increased nearly 30% over the past 8 years. The status quo hasn't made us safer. But while Los Angeles has largely resisted reform, the State of California has simultaneously seen reductions in crime rates and incarceration.

So beginning today we are instituting a series of policies based on data and science, not fear and emotion.

We know now that our system of money bail is as unsafe as it is unjust. The rich can be dangerous while the poor can pose zero threat to society. How much money you have in your bank account is a terrible proxy for dangerousness. As a result, cash bail poses a serious risk to public safety. And today there are hundreds of people languishing in jail not because they represent a danger to our community, but because they can't afford to purchase their freedom.

This weakens their connection to things that strengthen our communities - jobs, housing, treatment, and family. And that's why my office will no longer request cash bail for any misdemeanor, non-serious or non-violent felony offense. Defense attorneys with an in-custody defendant that qualify under my office's bail policy may immediately calendar a hearing to revisit and withdraw bail for their clients. My office will not contest their release.

Experts estimate that this means hundreds of individuals behind bars today, will be eligible to get their freedom back tomorrow.

This is just a first step, and by January 1 my office will roll out a plan to end money bail in Los Angeles in its entirety. We will be the largest office in the nation to eliminate cash bail. And it will reinvigorate the presumption of innocence in Los Angeles County.

Today we also know that over-incarceration - the practice of sending people to jails and prisons for too long - does not enhance safety. It actually hurts our safety.

Research shows that initial incarceration prevents crime through incapacitation, but that each additional sentence year causes a 4 to 7% increase in recidivism that eventually outweighs the incapacitation benefit. That means that excessive sentences create more victims in the future.

Enhancements, a legacy of the tough-on-crime era, are a principal driver of excessive sentences. California has enacted over 100 sentencing enhancements which are outdated, incoherent, and applied unfairly. And while there's no compelling evidence that enhancements improve public safety, California's mass incarceration problem CAN be tied *directly* to enhancements and the extreme sentencing laws of the 1990s,

None more so than California's 1994 Three Strikes Law. In 1980 California had a prison population of roughly 23,000. 10 years later, in 1990, that number grew to more than 94,000. And in 1999, five years after the passage of Three Strikes, California's prison population ballooned to 160,000 souls.

Worse still, three strikes and the flood of enhancements we created severely exacerbated racial disparities in our criminal justice system. Fully 45% of people serving life sentences under the Three Strikes law are Black, even though African Americans account for less than 6% of California's total population.

The amount of harm these policies have caused cannot be overstated. And it's for these reasons that my office will immediately cease filing not just gang enhancements, but all enhancements and three strikes allegations.

My deputies have also been directed to dismiss those alleged in pending matters at their next court appearance. These policies yield no benefit to public safety, they undermine rehabilitation, exacerbate racial and other inequities in our justice system, and they decimate families and communities. They're also crowding jails and prisons and exacerbating the COVID pandemic behind bars.

The role of the District Attorney is not just to correct our path by ensuring future justice, because the pursuit of justice is timeless. And that's why we will work to correct the injustices of the past, and this is how, in the state that led the way on tough-on-crime, California can lead for good, turn the tide on mass incarceration, and start anew.

Experts estimate that at least 20,000 people sentenced to prison from Los Angeles are serving sentences far longer than those they would receive under the charging policies I announced today. That is one-fifth of California's total prison population.

According to prison evaluations, 50% of all those sentenced in LA County are rated "low-risk" to reoffend. In fact, a remarkable 95% of persons who have spent 20 years in prison are considered low-risk to re-offend. Because punishment must be proportional, in the community's best interest, and it must serve a rehabilitative or restorative purpose, my office will begin an unprecedented effort to re-evaluate and resentence thousands of cases.

Anyone serving a sentence including an enhancement or three strikes allegation is eligible for consideration. As is anyone who has served more than 20 years in state prison.

We will prioritize cases for resentencing where people have already served excessive sentences, for people convicted of nonviolent crimes, those deemed low risk for release, people with demonstrated records of rehabilitation, older prisoners who are especially at risk for COVID-19, and people sentenced to adult prison terms as children.

The resentencing process will be a significant undertaking and will include input from victims, and victim advocates. The Amity Foundation - in partnership with the Returning Home Well initiative - has promised to help everyone resented by my office as they reenter our community.

Taken together, these policies will reduce our overreliance on excessive and harmful punishments and improve sustainable public safety at the same time. It will also save California billions of dollars. Billions of taxpayer resources that can be put back into our communities, into public health, housing and education - the solutions that actually enhance the long-term health and safety of our communities.

Now when it comes to excessive sentences, there can be no sentence more excessive than death. Racism and the death penalty are inextricably intertwined. And numerous studies have found that race influences who is sentenced to die in this country.

In California, this includes both the race of the defendant and the race of the victims. There are currently 215 people on California's death row who were sentenced to death from LA County. An astonishing 85% of them are people of color. This makes Los Angeles County an outlier even within the state's flawed system; as the rest of California's death row is populated by 59% people of color. The death penalty also serves no public safety purpose, as state-sanctioned killings do not deter crime.

I am a proud Angeleno, but I am appalled that Los Angeles has become this nation's death penalty capital. Over the past eight years, LA has put 23 individuals on death row – more than Georgia, Mississippi, Louisiana, Tennessee and Virginia combined during the same period.

The reality is the death penalty does not make us safer, it's racist, morally untenable, irreversible and expensive. And beginning today it is off the table.

And it's not just off the table going forward - I am committed to resentencing those currently on death row to life in prison.

You know the saying, as California goes, so goes the nation. And since 1980 our state built 23 prisons and just one University of California. We led the nation with tough-on-crime and mass incarceration policies, and the nation followed. But the policies that started here in California in the 80s and the 90s came on the heels of America's defunding of public housing and mental health services.

Instead of housing and treatment, California's solution to these social and health problems - and then the nation's solution - was a cage. We would be foolish to think there is no connection between the tough-on-crime era that California led, and the Golden State's dubious standing as the nation's leading home of the homeless. We attached felony consequences to low-level behavior. And over the years we churned out millions of people with the scarlet letter of a criminal conviction.

Disproportionately poor and mentally ill people exited our justice system, and to this day they are trapped in a paper prison, their criminal conviction has cut off their job prospects, it rendered them ineligible for many types of housing. And when many ended up on the streets, homeless, we didn't direct our rage at the systems that got us into this mess.

We directed our anger to the street, to our homeless population, and we criminalized behavior largely associated with poverty: loitering, drinking in public, public intoxication, possession of drugs & paraphernalia. And more.

Turning our public health problems into criminal problems did not serve the public interest, nor has it enhanced our quality of life. In fact, when a police officer cites someone for a quality of life offense, it takes months before the matter gets in front of a judge. That's months where our community's quality of life may continue to be harmed, and where the individual may continue to engage in self-harm. And then, as we know, this population often fails to make their court appearances.

We don't ask bus drivers to fly planes. But the public has unfairly asked law enforcement to handle every manner of social ill facing society. It has severely complicated our profession and crippled our effectiveness in the eyes of the public. Ultimately, you can't cure cancer with a hammer, just like you can't cure mental illness, poverty, or homelessness with a cage.

For these reasons, my office will immediately stop filing a variety of first-time misdemeanor offenses associated with poverty and mental illness. And we will immediately begin the process of working with police to expand diversion into services at the first point of contact.

In the days and weeks ahead, my office will drastically increase the use of diversion to more effectively help us address the crisis on our streets. We simply cannot continue to apply a criminal justice solution to a public health problem.

These are big changes. But they are changes that will enable us to actually protect the truly vulnerable: victims of violent crime, sexual and domestic assault, communities facing violence because of their religion, race or gender identity, poor neighborhoods harmed by corporate scams and pollution. That's who I signed up to protect when I first got my start. And instead of blindly justifying tough-on-crime policies in their name, we can make real change for victims.

For those of you at home who may be skeptical, I want to ask you to take a moment, maybe even close your eyes, and imagine your ideal, safe neighborhood.

Did you imagine a neighborhood with parks and playgrounds, with manicured lawns, kids playing and after school programs? Or did you imagine a neighborhood with police on every corner?

We know what safety looks like, but we don't offer it to every community equally.

Today, with the help of science, data and research, our understanding of the root causes of crime, and what enhances safety, has grown. And as a result, we have become increasingly equipped to break the cycle of arrest, prosecution, and incarceration that has undermined our safety.

The result is that we are increasingly capable of getting to that safe neighborhood that you just imagined. But we will never get there with small, incremental changes.

I am not the same man I was on that day, 42 years ago—when I first put on the uniform. But while my methods have changed, my law enforcement journey has, and will always be, one of preventing crime, reducing recidivism, and restoring victims.

The faces of the multiple generations, sons and fathers, that fell victim to the “war on drugs” and the “tough on crime” era will always haunt me, but it put me on the path that led me here today.

I recognize that for many this is a new path. But whether you were born in LA or came to this country and to Los Angeles as a young boy like me, and whether you were a protestor, police officer, or prosecutor, I ask that you walk with me. Join me on this journey.

We can break the intergenerational cycle of violence, trauma, arrest, and recidivism that has led America to incarcerate more people than any other nation.

It is this path, that one day, will prevent our police, and our criminal justice system alike, from ever again, arresting and incarcerating the fathers, and the sons, of the same families.

Thank you.